

IN THE SUPREME COURT OF THE STATE OF NEVADA

ALBERTO JULIO GUILLEN,
Petitioner,
vs.
THE SECOND JUDICIAL DISTRICT
COURT OF THE STATE OF NEVADA,
IN AND FOR THE COUNTY OF
WASHOE; AND THE HONORABLE
SCOTT N. FREEMAN, DISTRICT
JUDGE,
Respondents,
and
THE STATE OF NEVADA,
Real Party in Interest.

No. 69970

FILED

APR 14 2016

TRACIE K. LINDEMAN
CLERK OF SUPREME COURT
BY S. Young
DEPUTY CLERK

ORDER DENYING PETITION

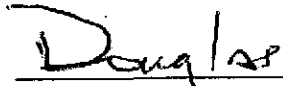
This original petition for a writ of certiorari challenges the district court's order affirming petitioner Alberto Guillen's misdemeanor convictions for assault, battery, and making a threatening telephone call. Guillen contends that NRS 51.035 is unconstitutional insofar as it permits a conviction solely on the basis of a victim's prior inconsistent statements without other corroborating evidence.


A writ of certiorari is an extraordinary remedy, lying within the discretion of this court. *Zamarripa v. First Judicial Dist. Court*, 103 Nev. 638, 640, 747 P.2d 1386, 1387 (1987). The writ may be granted to review the constitutionality of a statute in appealing a decision of the justice court where an appellant was prosecuted under that statute and the district court has ruled on the constitutionality of that statute. NRS 34.020(3). Guillen, however, has not challenged the constitutionality of the offense statutes under which he was prosecuted, but rather challenges the constitutionality of the evidence admitted against him. *See Glass v.*


Eighth Judicial Dist. Court, 87 Nev. 321, 324, 486 P.2d 1180, 1182 (1971) (“Certiorari, although available to test the constitutionality of a statute, is not available to decide a question of the admissibility of evidence.”). As this claim does not fall within the narrow scope of NRS 34.020, we decline to exercise our discretion to issue a writ of certiorari.

Having considered Guillen’s petition and concluded that extraordinary relief is not warranted, we

ORDER the petition DENIED.


_____, J.
Douglas


_____, J.
Cherry


_____, J.
Gibbons

cc: Hon. Scott N. Freeman, District Judge
Washoe County Public Defender
Attorney General/Carson City
Washoe County District Attorney
Washoe District Court Clerk